

TFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Baxter, et al.	Docket No.: 7357US01
Application No.: 10/810,762	Art Unit: 1614
Filed: March 26, 2004	Examiner: Graffeo, Michel
Title: HMB Compositions and Uses Thereof	I certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.
	<i>Wendy Detwiler</i> 12-14-06
	Wendy Detwiler Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the November 24, 2006 Office Action in the above-identified application, in which the claims were subjected to a restriction requirement under 35 USC 121 and subsequently categorized as follows:

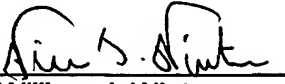
- Group I: Claims 1-8 and 21, drawn to a method for treating diseases, classified in class 514, subclass 762.
- Group II. Claims 9-20, drawn to a composition comprising HMB, classified in class 514, subclass 784.

In response to the restriction requirement, Applicants elect, without traverse, to prosecute claims 9-20 (Group II) in the present application.

An Election of Species has also been required, for the subject matter of Group II, to define a particular species of amino nitrogen source. Applicants hereby elect whey protein as the amino nitrogen source. Claims 9-20 read on whey protein formulations.

Applicants respectfully request reconsideration of this application and allowance of all remaining claims.

Respectfully submitted,

By 
William J. Winter
Attorney for Applicants
Registration No. 36,060

Abbott Laboratories
Dept. 108140/DS1
625 Cleveland Avenue
Columbus, OH 43215-1724
Phone (614) 624-5686
Fax (614) 624-3074